

Alford, Patrick

From: RODGER hageman [evenkeel4@sbcglobal.net]
Sent: Thursday, March 22, 2012 3:08 PM
To: Michael Toerge; Alford, Patrick
Subject: public hearing March 22, 6:30 p.m.

March 22, 2012

Michael Toerge, Chairman

Patrick Alford

**Newport Beach Planning Commission
Department**

Manager, Planning

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Re: Public Hearing / Newport Banning Ranch/March 22, 2012 / 6:30 PM

Gentlemen,

This letter is written based upon the Vision statement of the Newport Beach General Plan which states “we have a conservative growth strategy that emphasizes resident's quality of life”

The writer, a so called NIMBY, (Not In My Backyard) herewith gives notice to the City of Newport Beach that he opposes the Planned Community known as “Newport Banning Ranch Development” on the NW and south border of Newport Beach. Application No:PA2008-114. Guidelines of objections follow and will be more explicitly described in the future:

1. The Development generally identified as “Banning Ranch” was not included in the ballot measure of 2006 which modified the General Plan of the City of Newport Beach. Therefore, its application must adhere to and fit within the statistical changes prominently mentioned in “V” of the General Election Official Ballot of 2006

2. Undated Notice of Public Hearing regarding this matter is postmarked March 13, 2012 by USPS and was received March 14. We believe that public notice allowing only 9 days of response time violates City of Newport Beach's established legal requirements of 10 days and fails the test of fair and equitable public relations.
3. A required final Environmental Impact Report has not been presented to the public to allow proper study by those who may be affected by some adversity created by implementation of the development.
4. The notice of the public hearing suggests the Planning Commission will be making its recommendations to the City Council immediately. Otherwise why the rush for a public hearing? Can the Commission make recommendations in the absence of a final EIR?
5. The City Council approved a "Statement of **Overriding Considerations**" which **notes that there are specific economic, social and other public benefits that outweigh the significant unavoidable impacts associated with the General Plan.** Such impacts will render living standards of NEWPORT CREST and property values of the Crest and adjacent homes and other occupants such as business and schools to be devalued!
- 6) The multi-year earth moving and construction's negative impact will drive affected parties out of their neighborhoods. Living in dirt and dust, bright night illumination, noise and other noxious exposures will make home life, recreation, sleeping, distress to the bedridden and other physical impacts unbearable. Oh yes, sales will be impossible. It is tantamount to a "taking" by the power of eminent domain.
- 7) The DEIR and EIR are a product requested by the City of Newport Beach, its customer. It seems that in the interest of the City's fairness doctrine, the town's population be granted an equal EIR study by a firm of its choosing and a SSIR (Social and Societal Impact Report.).
8. Is the taking or annexation of another party's 360 acres to join the very small part that Newport has, 40 or so acres, look like a modest "conservative growth strategy"?

Especially when it is at the cost of a major disruption to at least 460 homeowners;
maybe 1500 residents

9. Certain fee simple rights and duties attach to California property whether a home or business.

r.hageman